



*Reading file*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

February 16, 1996

Mr. Ronald Jaeger, Area Director  
Bureau of Indian Affairs  
Sacramento Area Office  
2800 Cottage Way, Room W-2550  
Sacramento, CA 95825

Dear Mr. Jaeger:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent to Prepare an Environmental Impact Statement (EIS) for a Proposed Lease to Construct and Operate an Integrated Waste Management Facility on the Cortina Indian Rancheria, Colusa County, California. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR Parts 1500-1508, and our authority under Clean Air Act Section 309.

The Notice of Intent indicates that Cortina Integrated Waste Management, Inc., proposes to lease 443 acres of the Cortina Indian Rancheria to construct and operate a waste management facility for recycling or disposal of non-hazardous wastes. The proposed project includes a 200-acre municipal solid waste landfill, a non-source separated materials recovery facility, an organic waste composting area, and a petroleum-contaminated (PC) soils bioremediation facility. Approximately 400 to 1,500 tons per day of waste would be delivered to the facility by truck.

We have received your request that EPA participate as a cooperating agency on this EIS. Because of the current uncertainties regarding EPA's funding, we must decline at this time to participate as a cooperating agency. However, we would be happy to facilitate the preparation of this EIS to the extent that our resources allow. As you know, EPA is providing technical assistance to the Cortina Band of Wintun Indians to develop the Tribe's own waste management program.

The scope of subjects that should be included in the EIS for the proposed project is addressed in the enclosed comments. In addition, we have enclosed a "Checklist for Review of Environmental Impact Statements for Proposed Municipal Solid Waste Facilities." This Checklist outlines the information

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needed in the EIS regarding the site characteristics of the entire facility and the specific design and operations of the landfill and materials recovery and composting facilities. Specific information regarding the design and operations of the recycling and petroleum-contaminated soil bioremediation facilities should also be addressed in similar detail.

We appreciate the opportunity to work on this EIS with you and your staff. Please feel free to contact me at (415) 744-1015, or have your staff contact Jeanne Geselbracht at (415) 744-1576 or Vijaya Duvvuri at (415) 744-1603.

Sincerely,

*Deanna M. Wieman (for DW)*

Deanna M. Wieman, Director  
Office of External Affairs

002559/95-375

Enclosure

cc: Mary Mae Norton, Chairperson, Cortina Indian Rancheria

### General Comments

The EIS should address the information outlined in the enclosed "Checklist for Review of Environmental Impact Statements for Proposed Municipal Solid Waste Facilities." The environmental baseline conditions for the entire 443-acre site and surrounding area of impact, as well as design and operations details for all of the proposed facilities, including the recycling and bioremediation facilities, should be described. The potential environmental consequences of each alternative should be evaluated, and the methods or standards used to determine impacts should be described.

The EIS should identify nearby wildlife refuges, parks, or other areas that may be important to wildlife and discuss any impacts that the proposed facilities could have on wildlife.

### Air Quality

The EIS should identify and describe the air basin in which the rancheria is located as well as potentially affected sensitive receptors and areas meriting special protection from excessive contaminant concentrations such as Class I areas. The EIS should describe potential emissions of criteria pollutants and hazardous air pollutants resulting from the proposed project, including emissions from both stationary and mobile sources on and off the rancheria. In addition, the EIS should discuss all mitigation and monitoring proposed for the project.

Cortina Integrated Waste Management, Inc., should request EPA to make a determination whether the proposed facilities would constitute a major stationary source as defined by the Clean Air Act. Stationary sources having the potential to emit in excess of major source levels are required to obtain a New Source Review (NSR) permit. The total emissions from all of the facilities included in the proposed project (e.g., landfill, composting facility, PC soil treatment facility) need to be estimated for the purpose of determining NSR applicability. To make an applicability determination, EPA needs information on the facilities' potential to emit regulated pollutants, especially volatile organic compounds (VOCs). You may wish to contact Matt Haber, Chief, New Source Section, at (415) 744-1254 regarding an applicability determination.

EPA has developed a straightforward computer model to estimate landfill gas emissions. This model can be obtained from the CHIEF Bulletin Board System by contacting (919) 541-5285. Necessary inputs for the model are simply the total waste

capacity of the landfill, the annual waste acceptance rate, and the total expected years of operation. For a more detailed discussion on the possible numeric range of values for the "default" parameters, please refer to Section 2.7 of the EPA document AP-42 "Compilation of Air Pollutant Emission Factors." EPA's standard computer model described above should facilitate your ability to conduct an analysis of the landfill's maximum potential to emit. However, more refined models for estimating landfill gas emissions are also available. The applicant for the Campo Landfill project, for example, did not rely on the EPA model.

In order to model emissions from the PC soil treatment facility, we refer you to "Air Emissions from the Treatment of Soils Contaminated with Petroleum Fuels and Other Substances" (EPA-600/R-92-124 July 1992). Parameters to be identified and quantified include hydrocarbon constituents, level of contamination, water content and depth of the soil, feed temperature of the soil, and area of treated soil.

EPA will review the data you submit, and subsequently determine whether the proposed facilities would constitute a major source which is required to obtain a permit pursuant to the Part D requirements under the Clean Air Act. The EIS should discuss permit requirements of the NSR permit should it be applicable.

#### Composting Facility

If the composting facility would receive sludge, Cortina Integrated Waste Management, Inc., should apply to EPA for a permit pursuant to 40 CFR 122.21. Composted sludge would need to meet the requirements in 40 CFR 503 for metals, pathogen reduction, and vector attraction reduction. Storage of sludge at the facility is limited to two years pursuant to 40 CFR 503. If you have questions regarding composting sludge, you may wish to contact Lauren Fondahl at (415) 744-1909.

In addition, we recommend that the Tribe consider using the Colusa County Air Pollution Control District standards for composting as tribal standards for composting.

#### Bioremediation of Petroleum-Contaminated Soils

When any company or organization proposes to undertake operations involving use, handling, treatment, or disposal of controlled or hazardous substances on lands leased from a Tribal Government, or Tribal lands leased through the Bureau of Indian Affairs (BIA), EPA recommends that the following points be considered:

- a) The lease should include language which clearly states that the tenant will be responsible for complete clean up of the site and compliance with EPA Standards, to protect the Tribe in case of contamination resulting from these activities. Tribal ownership reversion of the facility at the end of operations would require Tribal capability for operation of the facility. Prior to ownership reversion the site should be assessed for contamination and approved for closure, to ensure that the Tribe is not acquiring excess liability upon reversion.
- b) To ensure that this lease requirement is fulfilled, an end of lease site assessment could be required as part of the lease agreement.
- c) To ensure that money is available for both the end of lease site assessment and any required contamination clean up, the tenant could possibly be required to obtain insurance, or post a bond. Additional funds should be set aside and made available for any needed cleanup during operation of the facility, and any third party damages which may occur.

The EIS should include a summary of the sampling plan and quality assurance/quality control plan for the PC Soil facility, including pre-treatment screening for non-petroleum hazardous wastes or metals, post-treatment sampling, and treatment confirmation. Confirmation of treatment would be needed in order to classify this soil as treated. Criteria that would be used to determine that soil is clean should be specified. Decontamination or treatment requirements may vary dramatically depending on the intended final destination of the soil. The criteria for each possible use should be specified.

The EIS should discuss plans for soil re-use or recycling after treatment (e.g., daily cover for the landfill). If treated soil is to be marketed off-site, the EIS should discuss the market options and their availability. Soil re-use options may depend upon other soil characteristics as well. For instance, the use of soil at landfills is highly dependent on soil texture and clay content, especially for final closure caps. A known and realistic market for treated soils must be identified to make this project viable.

If there are no markets, then soil storage prior to sale or re-use would limit production of the facility. Existing treated soil must be moved out of the facility prior to accepting new soils for treatment. A storage limit should be established to prevent over-storage if no markets are available.

Potential liabilities associated with the re-use of incompletely remediated soils should also be addressed.

Environmental Justice

In keeping with Executive Order 12898, **Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (EO 12898), the EIS should describe the measures taken by BIA to: 1) fully analyze the environmental effects of the proposed Federal action on minority communities and low-income populations, and 2) present opportunities for affected communities to provide input into the NEPA process. The EIS should state whether the analysis meets the requirements of BIA's environmental justice strategy.